IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1408 OF 2005

Kishore Narottamdas Amerchand ...Petitioner

Versus

Asija H. Motumal & Anr. ...Respondents

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Mr. A.K. Panicker, Advocate for Petitioner

Mr.H.K. Prem, Advocate for Respondent No.1.

Mr. Rajesh More, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 1ST JULY, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 56/SS/2005 (old No. 469/S/2003) which is pending in the Court of learned Special Metropolitan Magistrate, 50th Court, Vikroli, Mumbai. In the said case, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be filed within a period of three weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of three weeks from today. The learned advocate for the respondent i.e. original complainant states that no objection would be raised in respect of limitation in filing revision by the petitioner before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ petition is disposed of.

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